November 3, 2019

To: U.S. Codex Delegation


This review focuses on the definitions in the CCFICS DRAFT Discussion Paper on the Development of Guidance on the Prevention of Food Fraud. For reference, we have also included Appendix Two that presents the evolution of the food fraud definitions.

Overall Summary and Recommendation: Generally, there is current and growing confusion about the terms, definition, and scope of a wide range of terms related to food fraud. The confusion and inefficiency will be compounded if the progress of the Food Fraud EWG to create a Codex Alimentarius definition document is slowed or halted. This Food Fraud EWG paper should focus first on the original CCFICS scope of (1) reviewing the current Codex documents to identify gaps and to (2) provide common and harmonized definitions of food fraud and related terms. ANY expansion of this scope – such as to provide guidance on conducting vulnerability assessments or prevention strategies – would vastly increase the complexity of the effort and undoubtedly delay the implementation. The implementation would lessen the harmonized prevention activities and hindrance of trade such as questions during import and export testing or tracking.

See further point-by-point review in the attachment. Also, an appendix has been included that provides wide range of food fraud, and related term, definitions.

Discussion related to US Food Laws

The definitions and direction of the paper are NOT in conflict with U.S. food laws or regulations. This Codex document will help harmonize terms and the coordination of activities to reduce the fraud opportunity and contribute to food fraud prevention. The U.S. will benefit both from higher-quality and safer product it imports. Also, the clarity in the new document will help support the stated Purpose of the Codex Alimentarius which includes “These food standards and related texts aim at protecting consumers’ health and ensuring fair practices in the food trade.” As governments and industry implement food fraud prevention systems around the world, consumer confidence will increase.

The burden on US Economy and Companies
Led by U.S. food laws and FDA/USDA regulations, U.S. food companies have implemented robust food safety management systems. These systems have been required in laws such as the Food Drug & Cosmetics Act of 1938 and the Food Safety Modernization Act of 2011. The industry has expanded on these regulatory compliance requirements to create commercial standards such as those created by the Global Food Safety Initiative (GFSI).

The GFSI Guidance Document Version 7 was updated as of January 1, 2018, to include new food fraud prevention requirements. For GFSI compliance, companies are required to conduct a Food Fraud Vulnerability Assessment and have a Food Fraud Prevention Strategy.

These Codex definitions – and possible related requirements – are consistent with the scope and direction of current U.S. laws and regulations as well as global food industry activities. Therefore, this Codex scope and direction is not predicted to represent an additional burden on the U.S. Economy or U.S. companies.

Thank you for the opportunity to comment on this draft document.

Sincerely,

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Detailed Comments:

Number 1: “…both minimizing inadvertent contamination and preventing intentional adulteration of food.”

- **Response:** Comment - It may be helpful to not use the “intentional adulteration term here or at least define “intentional adulteration” since, specifically, the US FDA uses a narrower definition of only wide-scale intentional harm” (see FSMA Intentional Adulteration Final Rule).
Number 2: “Food fraud is complex, global, and a critically important issue. Types of food fraud include intentional acts to compromise food integrity such as: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation.”

- **Response:**
  - Agreed – bioterrorism or food defense is outside the scope of this document – and clarifying this glossary issue is a key point.
  - Also, “food integrity” should be defined and also related terms such as “food authenticity” and “food crime.”
  - Unless the definition is original by the EWG authors, a citation should be included. Also, to explain why one scope of definition is most appropriate, the document should include at least an appendix or table listing other currently used terms and definitions. This is especially critical if there are laws, regulations, standards or certifications. Specifically, ISO TC 292 addresses product fraud that includes foods.

Number 4: During the 22nd Session of the Codex Committee on Food Import and Export Inspection and Certification Systems (CCFICS) held in Melbourne, Australia, 6 – 12 February 2016, the Delegation of the Islamic Republic of Iran introduced a Discussion Paper on Food Integrity/Food Authenticity as Emerging Issues.”

- **Response:**
  - The change from FIFA to Food Fraud EWG is logical and is less confusing.
  - It may be helpful to explain why the title of the EWG was changed or if the food fraud EWG is completely new.
  - The previous efforts of the FIFA EWG should not be lost. There is great insight from that effort.

Number 7: “… While considering other Codex text, CCFICS could elaborate a range of guidance, including: what types of risks competent authorities should consider when designing control programs; exchange of information and cooperation between different authorities at the national and international levels; communication with stakeholders and the general public on food fraud incidents; and measures targeting food fraud.

- **Response:**
  - It is strongly DISCOURAGED for the current CCFICS directed scope to expand from the definitions to other guidance. To continue progress, the current definitions and gap analysis scope should be adhered to – and this document should NOT expand to review or recommend how to address food fraud. Any expansion of the scope will vastly complicate and delay completing the original objective.
Number 8: “...Should the EWG identify gaps in existing CCFICS texts, it may: propose new work, within the scope and mandate of CCFICS, for consideration at CCFICS25; consider what definitions need to be developed; and propose definitions that may be needed in any future project document, consistent with existing Codex texts, scope and mandate for use in prospective project documents as appropriate.”

- Response: The critical and ultimate goal of this effort is to first focus on a common set of agreed upon definitions. This harmonization of terms will help reduce global confusion and speed future protection of the food supply chain.

Number 10 – Questions for the EWG: “3. what additional preventive measures and controls could be considered beyond the reliability of food safety control systems or existing official certification systems?”

- Response: This is interesting and important but outside the scope of the first CCFICS directed project. Expanding the scope to address this question could vastly delay the approval of this document.

Number 10 – Question for the EWG: “4. How do we strike a balance between jurisdictional boundaries (i.e., cooperation between different authorities such as food safety controls and law enforcement and how we can enhance cooperation between different authorities?)”

- Response:
  - This is a great question that has been started to be addressed by INFOSAN (WHO/FAO) and INTERPOL-Europol Operation Opson.
  - Reference

1. Spink, John; Embarek Peter Ben; Joseph Savelli, Carmen; & Bradshaw, Adam (2019). Global perspectives on food fraud: results from a WHO survey of members of the International Food Safety Authorities Network (INFOSAN), Science of Food Journal (NPJ, Nature), 00(00), Pages 00-00 (SJR pending; ISI pending; rank & position in food science) [Accepted 12/05/2018]; Co-author Affiliation: Embarek, Savelli, & Bradshaw – World Health Organization/ INFOSAN. URL: https://www.nature.com/articles/s41538-019-0044-x

2. Spink, John & Roy Fenoff (FUTURE, November 9, 2019). Survey of INTERPOL-Europol Operation Opson Member States Regarding the Term, Scope, and Recommended Leadership by INTERPOL-Europol, INTERPOL-EUROPOL Debriefing OPSON VIII - Launch OPSON IX, Athens, Greece, 6-8 November 2019

3. Cadieux, B, Goodridge, LD, & Spink, J (2019). Gap analysis of the Canadian food fraud regulatory oversight and recommendations for improvement, Food Control Journal, 00(00), pages 00-00 Food Control (SJR 1.502, ISI #; Percentile 95% & 13/255 in food science) [Submitted October 25, 2018, Accepted January 25, 2019]; Co-author Affiliation:

Number 10 – Question for the EWG: “5. What challenges are you experiencing in gathering intelligence or detecting food fraud activities? What information is being shared and through which forums?”

- Response: Interesting and important question but for a future Codex project. Also, this should be closely reviewed to be outside the CODEX scope and possibly more appropriate for INFOSAN or INTERPOL.

Number 10 – Question for the EWG: “6. As the importing party, what kind of information (evidence/proof), other than official certification would you need to trust the exporting party’s is strong enough to prevent food fraud?”

- Response: This is clearly beyond the scope of the current project.

Number 10 – Question for the EWG: “7. Should CCFICS develop a Codex guideline specifically on food fraud and/or intentional adulteration prevention and why? Should CCFICS develop Codex definitions for terms such as food integrity, food authenticity and/or food fraud?”

- Response:
  - The first part of the question is outside the scope of this first project.
  - The second part of the question is a key deliverable of the first project.

Number 11: “The comprehensive review of existing Codex texts illustrates that food fraud is already covered in a variety of Codex documents.

- Response: The food fraud scope is usually covered in one document or another but the food fraud term is not defined and a specific review is not covered. Thus, completely even a simple definitions document is valuable – this is the scope of the first project.
Number 12: “Work to consolidate existing guidance that exists in various documents was proposed, as well as working with other Codex committees.”
  - **Response:** This proposal detail is excellent, precise, and important – and also consistent with the first project scope.

Number 14: “Further topics for Codex principles or guidance include recall or withdrawal notifications by industry to regulators; traceability requirements; identification of high-risk commodities; supply chain verification; predictive tool for food fraud; and greater transparency across the food chain.”
  - **Response:** These are excellent ideas for a future project – the current, first, project should NOT expand to address these topics.

Number 15: “Countries also identified the need to ensure the authenticity of certificates, and the use of new technology, such as barcoding, Quick Response (QR) codes, blockchain or radio-frequency identification (RFID).
  - **Response:** This is clearly outside the scope of the current project.
  - **Note:** Note: The MSU Food Fraud Initiative has a current manuscript under review at a peer-reviewed, scholarly journal that addresses Food Document Fraud and related prevention.

Number 16: “In designing and implementing food fraud controls (or management systems), many countries emphasized the importance of traceability of foods. Seven countries and three NGOs supported generally the inclusion of vulnerability assessments and several countries provided comprehensive advice on the approach or methodology for the vulnerability assessments. It was suggested that to address the root causes of food fraud, a shift from risk mitigation to vulnerability prevention is required (i.e., assess and eliminate the likelihood of the fraud to occur).”
  - **Response:** It is STRONGLY recommended to NOT expand the current scope to address assessment or prevention strategies until AFTER the base definitions and scope are completed. The base definitions and scope were the original scope of the first project.

Number 17: “Countries responses identified information sharing and cooperation between competent authorities at the national level and internationally as the key areas where Codex principles and guidance would be useful in managing food fraud.”
  - **Response:** Before recommending Codex address the information sharing, there should be a review of previous lessons learned – and critical road blocks NOT circumvented – by groups such as INTERPOL/ Europol, FIIN, EU Food Fraud Network, INFOSAN, and others.
Number 20: “The countries identified many challenges including, for example, access to information during a criminal investigation is limited; training in investigational techniques is needed; complex supply chains make it hard to prove who caused the adulteration or fraud; and according to one observer organization, a global and verifiable source of information on food fraud is lacking.”

- Response: This is outside the scope of CODEX and more aligned with the activities of INTERPOL or others. (Also see other notes above to similar content.)

Number 21: “One country recommends “no penalty reporting” so countries that report non-compliances are not penalized.”

- Response: It is helpful to identify questions such as this but the “no penalty reporting” has been a challenge to implement for a wide range of other crimes. Beyond regulatory penalties, any alert of a fraud or safety problem often negatively impacts and entire product category or the rust of an entire country’s food product. For example, melamine in pet food in the USA created a massive drop in all pet food sales.

Number 23: “Countries generally were of the view that relevant definitions for terms such as food integrity, food authenticity, intentional adulteration, and food fraud may be helpful to build international harmonization and to guide the actions to be taken by national authorities. It was noted the guideline should not slide into the area of geographic indicators, as this is an intellectual property issue more in the realm of WTO.”

- Response: The second part of this item should be explained in more detail, which demonstrates the critical need to address the original project scope calling for specific definitions.

Section – Recommendation for New work: CCFICS could consider new work in the following areas:

- Response:
  - The “New Work” should clearly be conducted AFTER the current definitions-focused document is approved and published.
  - It is STRONGLY recommended to NOT expand the scope of the project to address this until AFTER the first definitions focused document is approved and published. Expanding the scope will vastly increase the time until the first definitions will be approved, published, and used.
Appendix ONE: Additional Definitions from ISO

The content is organized by keyword and the reference ISO standard is noted:

Authenticity/ authentic

**Authentic material good** (Reference: ISO 22300)
material good (3.139) produced under the control of the legitimate manufacturer, originator of the goods (3.98) or rights holder (3.198)

**Authentic material good** (Reference: ISO 12931)
material good produced under the control of the legitimate manufacturer, originator of the good or holder of intellectual property rights

Authentication

**Authentication** (Reference ISO 12931)
act of establishing whether a material good is genuine or not [Note: “genuine” is not defined by ISO]

**Authentication** (Reference ISO 22300)
process (3.180) of corroborating an entity (3.79) or attributes with a specified or understood level of assurance

**Authentication element** (Reference ISO 22300)
tangible object (3.151), visual feature or information (3.116) associated with a material good (3.139) or its packaging that is used as part of an authentication solution (3.19)

**Authentication function** (Reference ISO 22300)
function performing authentication (3.16)

**Authentication solution** (Reference ISO 22300)
complete set of means and procedures (3.179) that allows the authentication (3.16) of a material good (3.139) to be performed

**Authentication tool** (Reference ISO 22300)
set of hardware and/or software system(s) that is part of an anti-counterfeiting solution and is used to control the authentication element (3.17)

Identity

**Attribute** (Reference ISO 24760)
characteristic or property of an entity (3.1.1) that can be used to describe its state, appearance, or other aspects; Note 1 to entry: The primary function of the concept of an attribute in this part of ISO/IEC 24760 is to be a particular, well-defined aspect of the description of an entity in an identity management system. The values of attributes in an identity together describe the entity in a domain.
EXAMPLE: An entity type, address information, telephone number, a privilege, a MAC address, a domain name are possible attributes.

Authenticated identity (Reference ISO 24760)
identity information (3.2.4) for an entity (3.1.1) created to record the result of authentication (3.3.1); Note 1 to entry: An authenticated identity typically contains information obtained in the authentication process, e.g. the level of assurance attained.; Note 2 to entry: The existence of an authenticated identity in a particular domain denotes that an entity has been recognized in that domain.; Note 3 to entry: An authenticated identity typically has a lifespan restricted by an authentication policy.

Identification (Reference ISO 22300)
process (3.180) of recognizing the attributes that identify an entity (3.79)

Identifier (Reference ISO 22300)
specified set of attributes assigned to an entity (3.79) for the purpose of identification (3.104)

Identity (Reference ISO 22300)
set of attributes that are related to an entity (3.79); Note 1 to entry: An identity can have unique attributes that enable an object (3.151) to be distinguished from all others.; Note 2 to entry: Identity can be viewed in terms of human, organization (3.158) and objects (physical and intangible).

Identity (Reference ISO 24760)
set of attributes (3.1.3) related to an entity (3.1.1); Note 1 to entry: An entity can have more than one identity.; Note 2 to entry: Several entities can have the same identity.; Note 3 to entry: In a particular domain of applicability an identity can become a distinguishing identity or an identifier to allow entities to be distinguished or uniquely recognized within that domain.; Note 4 to entry: ITU-T X1252[13] specifies the distinguishing use of an identity. In this part of ISO/IEC 24760 the term identifier implies this aspect.

Identity assertion (Reference ISO 24760)
statement by an identity information authority (3.3.3) used by a relying party (3.3.7) for authentication (3.3.1); Note 1 to entry: An identity assertion may be the cryptographic proof of a successful authentication, created with algorithms and keys agreed between parties, e.g. in an identity federation.

Identity assurance (Reference ISO 24760)
level of assurance in the result of identification (3.2.1); Note 1 to entry: Identity assurance expresses the level of confidence in provenance, integrity and applicability of identity information including confidence in identity information maintenance.

Identity management, IDM (Reference ISO 24760)
processes and policies involved in managing the lifecycle and value, type and optional metadata of attributes (3.1.3) in identities(3.1.2) known in a particular domain; Note 1 to entry: In general identity management is involved in
interactions between parties where identity information is processed.; Note 2 to entry: Processes and policies in identity management support the functions of an identity information authority where applicable, in particular to handle the interaction between an entity for which an identity is managed and the identity information authority.;

**Identity proofing**, initial entity authentication (Reference ISO 24760) particular form of authentication (3.3.1) based on identity evidence (3.4.4) that is performed as the condition for enrolment (3.4.3); Note 1 to entry: Typically identity proofing involves an extensive verification of provided identity information and may include screening, vetting and uniqueness checks, possibly based on biometric techniques.; Note 2 to entry: Authentication, at the heart of identity proofing, typically is based on an enrolment policy that includes specification of the verification criteria of the identity evidence provided by the entity.; Note 3 to entry: The authenticated identity that is the result of the authentication in identity proofing may during subsequent enrolment be included in the registration and may serve to facilitate future identification of the entity.

**Origin/ undisputed origin**

**Domain of origin (Reference ISO 24760)** feature of an attribute (3.1.3) that specifies the domain (3.2.3) where the attribute was created or its value (re)assigned; Note 1 to entry: The domain of origin typically specifies the meaning and format of the attribute value. Such specification may be based on international standards.; Note 2 to entry: An attribute may contain an explicit value that references the domain of origin, e.g. an ISO country code for a passport number as reference to the issuing country that is the domain of origin of identity information in the passport.; Note 3 to entry: Operationally, a domain of origin may be available as an authoritative source for an attribute (sometimes known as the Attribute Authority). An authoritative source may be operated outside the actual domain of origin. Multiple authoritative sources may exist for the same domain of origin. EXAMPLE: The domain of origin of a club-membership number is the specific club that assigned the number.

**Material good/ good/ product**

**Authentic material good (ISO 22380):** material good (3.139) produced under the control of the legitimate manufacturer, originator of the goods (3.98) or rights holder (3.198)

**Goods (Reference ISO 22300)** items or materials that, upon the placement of a purchase order, are manufactured, handled, processed or transported within the supply chain (3.251) for usage or consumption by the purchaser

**Material good (Reference ISO 22300)** manufactured, grown product or one secured from nature
Product or service (ISO 22380):
beneficial outcome provided by an organization (3.158) to its customers, recipients and interested parties (3.124); EXAMPLE: Manufactured items, car insurance, or community nursing. [See goods, material goods]

Product Fraud

Product fraud (Reference ISO 22300)
wrongful or criminal deception that utilizes material goods for financial or personal gain; Note 1 to entry: Fraud means wrongful or criminal deception intended to result in financial or personal gain that creates social or economic harm.; Note 2 to entry: Products include electronic media carried on material goods.; Note 3 to entry: Fraud related to digitally transmitted electronic media shall be considered separately.

Appendix TWO: Review of Evolution of Food Fraud Definitions

Third Draft (August 2018 = current, open comment period)

2.3 Food Fraud
The following were the common terms important to be part of a definition for food fraud:
• deliberate, intent
• deception
• misrepresentation
• financial gain, economic, advantage
• food, ingredients, and packaging

Based on these terms, the following definition was developed:

Any deliberate action of businesses or individuals to deceive others in regards to the integrity of food to gain undue advantage. Types of food fraud include but not limited to: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation.

Second Draft (February 2018)

3.3 Food Fraud
3.3.1 Food Fraud - Original Proposal:
Any deliberate action taken by businesses or individuals that deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain. The main types of fraud include: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging, product overrun, theft, diversion, and false or misleading statements made about a product.
3.3.2 Food Fraud - Food Drink Europe Alternative:
Any deliberate action taken by businesses or individuals that deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain. The main types of fraud include: adulteration including substitution, dilution, concealment, unapproved enhancement, substitution, dilution and, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging, product overrun, theft, diversion, and false or misleading statements made about a product.

3.3.3 Food Fraud - IDF Alternative:
Any deliberate action taken by businesses or individuals that deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain. The main types of fraud include: adulteration (deliberate addition of an adulterant to a food item for financial gain through increasing the apparent quality or value of the product or reducing the cost of its production), including substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging, product overrun, theft, diversion, and false or misleading statements made about a product.

3.3.4 Food Fraud - FIVS Alternative:
“Any deliberate action by businesses or individuals designed to deceive others businesses and/or individuals consumers in terms of misrepresenting of the integrity or authenticity of food, food ingredients or food packaging that brings about a financial gain.
The main types of Fraud engaged in for financial gain, may include: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging, product overrun, theft, diversion, and or false or misleading statements made about a product.

3.3.5 Food Fraud - Australia Alternative:
Any deliberate action taken by businesses or individuals that to deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain. The main types of fraud include: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging, product overrun, theft, diversion, and false or misleading statements made about a product.

3.3.6 Food Fraud - Netherlands Alternative:
Any [deliberate] action taken by businesses or individuals that deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain to benefit for himself, his company, his ideology, etc..
This – not limitative – includes misrepresenting food, food ingredients, food packaging, food production, misleading with or insufficient traceability, and illegal activities in the

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production, transportation and selling of food/food ingredients. This is the same for feed. The main types of fraud— not limitative — include: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation, of food, food ingredients or food packaging, product overrun, diversion and false or misleading statements made about a product.

3.3.7 Food Fraud - Canada Alternative:
Food fraud occurs when the integrity or authenticity of a food is not maintained. Food fraud is the act of purposely altering, misrepresenting, mislabeling, substituting, diluting or tampering with any food product at any point along the food supply chain. Unknowingly distributing such products would also constitute food fraud.

3.3.8 Food Fraud - USP Alternative:
Any deliberate and intentional action taken by businesses or individuals that deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain. The main types of fraud include: adulteration, substitution, addition, dilution, tampering, simulation, counterfeiting, and or misrepresentation of food, food ingredients or food packaging, product overrun, theft, diversion, and or false or misleading statements made about a product for economic gain.

3.3.9 Food Fraud - ICGMA Alternative:
Any deliberate action taken by businesses or individuals that is intended to deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain. The main types Some common examples of fraud include: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging. Situations that can lead to an act of food fraud occurring include product overrun, theft, diversion, and false or misleading statements made about a product.

3.3.10 Food Fraud - FAO Alternative:
Any deliberate action taken by businesses or individuals that deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain. The main types of fraud include: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging, product overrun, theft, diversion, and false or misleading statements made about a product.

3.3.11 Food Fraud - Other Possible Alternatives:
3.3.11.1 Food Fraud - Combined Alternative (Original + FDE + IDF+ Australia+ FIVS+ Netherlands+ Canada+ USP + ICGMA + FAO):

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Any deliberate and intentional action taken by businesses or individuals designed or intended to deceive others of the integrity or authenticity of food, food ingredients or food packaging to benefit for himself, his company, his ideology, etc. Fraud engaged in for financial gain, may include – not limitative –: purposely altering, adulteration (deliberate addition of an adulterant to a food item for financial gain through increasing the apparent quality or value of the product or reducing the cost of its production) including substitution, dilution, concealment, unapproved enhancement, and, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging, food production, misleading with or insufficient traceability, and illegal activities at any point along the food supply chain including production, transportation and selling of food/food ingredients, and false or misleading statements made about a product or unknowingly distributing such products would also constitute food fraud.

3.3.11.2 Food Fraud (Elliott Review, in glossary):
“...is defined by the Food Standards Agency as: deliberately placing food on the market, for financial gain, with the intention of deceiving the consumer. Although there are many kinds of food fraud, the two main types are: Sale of food which is unfit and potentially harmful, such as: -recycling of animal by-products back into the food chain, -packing and selling of beef and poultry with an unknown origin, -knowingly selling goods which are past their ‘use by’ date. Deliberate misdescription of food such as: -products substituted with a cheaper alternative, for example farmed salmon sold as wild, and Basmati rice adulterated with cheaper varieties. -making false statements about the source of ingredients, i.e. their geographic, plant or animal origin. Food fraud may also involve the sale of meat from animals that have been stolen and/or illegally slaughtered, as well as wild game animals like deer that may have been poached.”

3.3.11.3 Food Fraud (Elliott Review, in text):
“...encompasses deliberate and intentional substitution, addition, tampering, or misrepresentation of food, food ingredients, or food packaging; or false or misleading statements made about a product for economic gain. The types of fraud include adulteration, tampering, product overrun, theft, diversion, simulation, and counterfeiting.”

3.3.11.4 Food Fraud (GFSI Position Paper 2014) (GFSI):
“...is deception of consumers using food products, ingredients and packaging for economic gain and includes substitution, unapproved enhancements, misbranding, counterfeiting, stolen goods or others.” (Note: The GFSI Position Paper on Food Fraud is a detailed and expanded explanation of the intent of the GFSI Board of Directors for the GFSI Food Safety Management System.)

3.3.11.5 Food fraud (Spink & Moyer, 2011):

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is an intentional act for economic gain, whereas a food safety incident is an unintentional act with unintentional harm, and a food defense incident is an intentional act with intentional harm.

3.3.11.6 Food fraud (Spink & Moyer, 2011):
is a collective term used to encompass the deliberate and intentional substitution, addition, tampering, or misrepresentation of food, food ingredients, or food packaging; or false or misleading statements made about a product, for economic gain. Food fraud is a broader term than either the economically motivated adulteration (EMA) defined by the Food and Drug Administration (FDA) or the more specific general concept of food counterfeiting. Food fraud may not include “adulteration” or “misbranding,” as defined in the Food, Drug, and Cosmetic Act (FD&C Act), when it involves acts such as tax-avoidance and smuggling. (Spink and Moyer 2011, p. 1).

3.3.11.7 Food Fraud - Other Possible Alternative-01:
Any actions taken by a perpetrator that deceive others businesses and/or individuals in terms of misrepresenting food, food ingredients, or food packaging that brings about financial gain.

3.3.11.8 Food Fraud - Other Possible Alternative-02:
Illegal deception for economic gain using food.

First Draft (November 2017)

3.3 Food Fraud
Any deliberate action taken by businesses or individuals that deceive other businesses and/or individuals in terms of misrepresenting food, food ingredients or food packaging that brings about a financial gain. The main types of fraud include: adulteration, substitution, dilution, tampering, simulation, counterfeiting, and misrepresentation of food, food ingredients or food packaging, product overrun, theft, diversion, and false or misleading statements made about a product.

Discussion Paper (February 2017 = Original proposal to CCFICS)

Economically motivated adulteration (EMA) is the intentional adulteration of a food for financial advantage. Also known as food fraud,

Also known as food fraud, it is an emerging international issue that includes adulteration, deliberate and intentional substitution, dilution, simulation, tampering, counterfeiting, or misrepresentation of food, food ingredients, or food packaging; or false or misleading statements made about a product for economic gain.

- MSU Comment: the original discussion paper led with the Economically Motivated Adulteration term and incorrectly noted it was the same as Food Fraud. This was corrected.